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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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ALLEN STUTELBERG, HAROLD  
SCHMUNK and MICHAEL GREER, acting  
in their individual capacities and as  
shareholders suing derivatively on behalf of  
Pacific WebWorks, Inc., a Nevada  
corporation,

Plaintiffs,

v.

PACIFIC WEBWORKS, INC., a Nevada  
corporation, KENNETH W. BELL, an  
individual, WILLIAM MARC BELL, an  
individual, ROBERT BRETT BELL, an  
individual, CHRISTIAN LARSEN, an  
individual, YKNOT HOLDINGS, LLC, a  
Utah limited liability company, YKNOT  
GLOBAL, LLC, a Utah limited liability  
company, K. LANCE BELL, an individual,  
and John Does 1-10,

Defendant.

**ORDER TO REMAND  
FOR IMPROPER REMOVAL**

Case No. 2:13-cv-1074 DN

District Judge David Nuffer

On November 18, 2013, Plaintiffs filed an Amended Verified Complaint in the Third Judicial District Court in and for Salt Lake County, State of Utah. On December 4, 2013, two named Defendants—K. Lance Bell and Pacific WebWorks, Inc.—filed a Notice of Removal seeking to remove this matter to federal court.<sup>1</sup>

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<sup>1</sup> [Docket No. 2](#), filed Dec. 4, 2013.

After the case was removed to federal court, Plaintiffs filed a Motion to Remand<sup>2</sup> in which they argued that removal violated the “forum defendant rule,” which clarifies that “[d]efendants may remove an action on the basis of diversity of citizenship [only] if there is complete diversity between all named plaintiffs and all named defendants, *and no defendant is a citizen of the forum State.*”<sup>3</sup> On December 16 and 17, 2013, Defendants notified the Court that they did not oppose Plaintiffs’ Motion to Remand.<sup>4</sup>

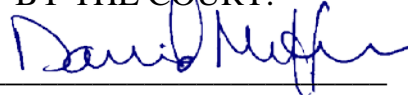
Having reviewed Plaintiffs’ Motion, and pursuant to Defendants’ non-opposition, the Court holds that removal to federal court was improper because at least some of the Defendants are citizens of the State of Utah—the forum state. The Court, therefore, grants Plaintiffs’ Motion and remands this matter to the Third Judicial District Court in and for Salt Lake County, State of Utah.

### ORDER

IT IS HEREBY ORDERED that Plaintiff’s Motion to Remand<sup>5</sup> is GRANTED.

Signed January 9, 2014.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>2</sup> [Docket No. 5](#), filed Dec. 11, 2013.

<sup>3</sup> *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 84 (2005) (emphasis added); *see also* 28 U.S.C. § 1441(b)(2).

<sup>4</sup> [Docket No. 10](#), filed Dec. 16, 2013; [Docket No. 11](#), filed December 17, 2013.

<sup>5</sup> [Docket No. 5](#), filed Dec. 11, 2013.